

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICHAEL L. FERGUSON,
MYRL C. JEFFCOAT and
DEBORAH SMITH, on behalf of the
DST SYSTEMS, INC. 401(K) PROFIT
SHARING PLAN,

Plaintiffs,

v.

RUANE CUNNIFF & GOLDFARB INC.,
DST SYSTEMS, INC., THE ADVISORY
COMMITTEE OF THE DST SYSTEMS, INC.
401(K) PROFIT SHARING PLAN and THE
COMPENSATION COMMITTEE OF THE
BOARD OF DIRECTORS OF DST SYSTEMS,
INC.,

Defendants.

CIVIL ACTION NO.
1:17-cv-06685-ALC

JOINT STATUS REPORT

Plaintiffs, Michael L. Ferguson, Myrl C. Jeffcoat and Deborah Smith (“Plaintiffs”), Defendant, Ruane, Cunniff & Goldfarb, Inc. (“Ruane”), and Defendants, DST Systems, Inc. (“DST”), the Advisory Committee of the DST 401(k) Profit Sharing Plan (the “Advisory Committee”), and the Compensation Committee of the Board of Directors of DST (the “Compensation Committee”) (collectively, the “DST Defendants”), as well as Proposed Intervenor, Stephanie Ostrander, respectfully submit this Joint Status Report.

Plaintiffs filed their Second Amended Complaint (“Complaint”) on November 5, 2018, and Plaintiffs have consented to an extension of time for Defendants to respond to the Complaint until December 14, 2018. The DST Defendants intend to move to dismiss certain portions of the Complaint. Plaintiffs intend to respond to any such motion on or before December 24, 2018 and the DST Defendants request that any reply brief be due on or before January 10, 2019.

Ostrander's Motion to Intervene is pending before the Court and the Plaintiffs, Ruane and the DST Defendants believe that the Court would benefit from oral argument on the Motion to Intervene, as well as by receiving advice as to the position of the United States Department of Labor ("DOL"), which has been cooperating with Plaintiffs, on the Motion to Intervene. The Plaintiffs, Ruane and the DST Defendants jointly suggest that the Court schedule oral argument on the Motion to Intervene and on any motions to dismiss in January, 2019 on a date convenient to the Court.

Counsel for Ms. Ostrander respectfully requests a ruling on the Motion to Intervene as soon as is practical and believe that the briefing on the Motion to Intervene at Docket Nos. 54, 55, 57, 58, 59, 66-72, 78-81 adequately explain the parties' and Ms. Ostrander's positions. The Second Amended Complaint does not result in the need for additional briefing and Ms. Ostrander is content to rely on the briefs and letters that have already been submitted. Ms. Ostrander opposes any advice as to the position of the DOL unless and until the DOL first intervenes and becomes a proper party to this action.

To the extent the Court determines that it would benefit from oral argument on the Motion to Intervene, Ms. Ostrander's counsel is not available the week of January 14, 2019.

As Ruane Cunniff raised at the Court Conference on October 22, 2018, there are currently 11 arbitrations filed, where amended statements of claim are in the process of being submitted, and another approximately 255 arbitrations which have been filed, all on behalf of claimants who seek damages that the Ferguson Plaintiffs may claim are part of the relief sought by them in the above-captioned case. While the parties are seeking to resolve this conflict without recourse to this Court, that may not be possible.

Dated: November 26, 2018

Respectfully submitted,

SHEPHERD, FINKELMAN, MILLER
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/s/ Laurie Rubinow (LR 6637)

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Dated: November 26, 2018

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Dated: November 26, 2018

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***Attorneys for Defendants, DST Systems, Inc., The
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Dated: November 26, 2018

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**Attorneys for Proposed Intervenor,
Stephanie Ostrander**

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2018, a true and correct copy of the foregoing Joint Status Report was served by electronic mail on all counsel of record.

/s/ Laurie Rubinow

Laurie Rubinow
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